

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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KIRSTEN NINALTOWSKI nee STADLER,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 2:20-cv-01808-JMG
	:	
TJ MOORE <i>et al.</i> ,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 20th day of July, 2021, upon consideration of defendants' motion for sanction and contempt (ECF No. 36), subsequent status reports (ECF Nos. 37, 39, 44), and the nonparties' failure to attend the show cause hearing on July 12, 2021, it is hereby **ORDERED** that the defendants' motion (ECF No. 36) is **GRANTED as follows**:

1. **Rothman Institute** is in contempt of court and shall immediately provide all requested records to defense counsel.<sup>1</sup> Rothman Institute is sanctioned \$250 per day for every day going forward from the date of this Order that the requested records are not produced to defense counsel. The funds shall be paid to the Clerk of Court for the Eastern District of Pennsylvania.
2. **CVS Pharmacy** is in contempt of court and shall immediately provide all requested records to defense counsel.<sup>2</sup> CVS Pharmacy is sanctioned \$250 per day for every day going forward from the date of this Order that the requested records are not produced to

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<sup>1</sup> For specific guidance on which records were requested, Rothman Institute should consult the subpoena that was personally served on June 28, 2021. *See* ECF No. 43.

<sup>2</sup> For specific guidance on which records were requested, CVS Pharmacy should consult the subpoena that was personally served on June 28, 2021. *See* ECF No. 43.

defense counsel. The funds shall be paid to the Clerk of Court for the Eastern District of Pennsylvania.

3. **Capital Health Systems Primary Care** is in contempt of court and shall immediately provide all requested records to defense counsel.<sup>3</sup> Capital Health Systems Primary Care is sanctioned \$250 per day for every day going forward from the date of this Order that the requested records are not produced to defense counsel. The funds shall be paid to the Clerk of Court for the Eastern District of Pennsylvania.
4. All records, with signed Certificates of Authenticity, shall be hand delivered to defense counsel at Weber Gallagher Simpson Stapleton Fires & Newby LLP, 2000 Market Street, Suite 1300, Philadelphia, PA 19103 and/or via email to [avcolon@wglaw.com](mailto:avcolon@wglaw.com).
5. **USAA Insurance** shall either respond to the defendants' motion for sanctions (ECF No. 36) or produce the requested records no later than **five days after receiving this order**.
6. The aforementioned nonparties shall waive any and all additional fees and costs associated with the reproduction, copying, printing, mailing, and/or service of the subject records.
7. Defense counsel shall provide a status update to the Court regarding the nonparties' compliance with this Order by **August 17, 2021**.
8. Defense counsel shall immediately serve copies of this Order on the nonparties via personal service, overnight mail, or confirmed electronic mail, and file proof of service with the Court.

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<sup>3</sup> For specific guidance on which records were requested, Capital Health Systems Primary Care should consult the subpoena that was personally served on June 28, 2021. *See* ECF No. 43.

**Failure to comply with this Order may result in further sanctions, including additional monetary sanctions, upon further application to the court.**

BY THE COURT:

/s/ John M. Gallagher  
JOHN M. GALLAGHER  
United States District Court Judge